UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE SCHERING-PLOUGH CORPORATION/ENHANCE SECURITIES LITIGATION	Civil Action No. 08-397 (DMC)(JAD)
IN RE MERCK & CO., INC., VYTORIN/ZETIA SECURITIES LITIGATION	Civil Action No. 08-2177 (DMC)(JAD)

[PROPOSED] ORDER

WHEREAS, on June 3, 2011, Plaintiffs in the Merck securities case (08-CV-2177) moved for leave to amend their Complaint dated October 6, 2008;

WHEREAS, on July 15, 2011, Defendants moved to compel production of Plaintiffs' investigative memoranda concerning "confidential witnesses" in both the Merck and Schering-Plough securities cases;

WHEREAS, on August 23, 2011, Plaintiffs in the Merck securities case submitted a letter to the Court attaching a "revised" First Amended Complaint; and

WHEREAS, on September 6, 2011, the Court heard argument on these matters:

IT IS, this _____ day of September 2011, **ORDERED THAT:**

1.   Plaintiffs in the Merck securities case may have until September 21, 2011 to submit a letter application seeking leave to file the "revised" First Amended Complaint, and Defendants may have until October 4, 2011 to file any opposition to Plaintiffs' application. Briefing shall be focused on the issue of whether Plaintiffs may add paragraphs 356 and 357 of the "revised" First Amended Complaint.

2.   If Plaintiffs' application for leave is granted, Plaintiffs shall have five (5) days to file the First Amended Complaint, and Defendants shall have twenty (20) days therefrom to answer or otherwise respond to those paragraphs of the First Amended Complaint that add new allegations to the Complaint dated October 6, 2008 (Docket Entry 24).

3.   Defendants' letter motion to compel production of Plaintiffs' investigative memoranda reflecting interviews with confidential witnesses is denied upon Plaintiffs' representation that they shall make no use of such documents for any purpose in these

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cases, except as a defense to any Rule 11 sanctions motion Defendants may make in these cases.

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Hon. Joseph A. Dickson
United States Magistrate Judge

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